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| Resolution No: | <u>16-1270</u>           |
| Introduced:    | <u>February 9, 2010</u>  |
| Adopted:       | <u>February 23, 2010</u> |

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Supplemental Appropriation #10-297  
FY10 Operating Budget  
Montgomery County Public Schools  
Diesel Particulate Filters  
\$1,000,000

**Background**

1. Section 5-105(d) of the Education Article of the Annotated Code of Maryland provides for the expenditure of non-local funds by the County Board of Education after adoption of the budget, only with the approval of the County fiscal authority.
2. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
3. The County Executive received the Board of Education's action of January 12, 2010, requesting a supplemental appropriation to the operating budget as follows:

| <u>Category</u>           | <u>Amount</u>       | <u>Funding Source</u> |
|---------------------------|---------------------|-----------------------|
| 09 Student Transportation | <u>\$ 1,000,000</u> | State Grant           |

Total    \$ 1,000,000

3. The Board of Education has stated that this appropriation is needed to receive and expend \$1,000,000 for the grant fund. A purpose of the State of Maryland and Maryland Transportation Authority's Intercounty Connector project in Prince George's and Montgomery counties is to help restore the natural, human, and cultural environments from past development impacts within the project area. The state funding to retrofit Montgomery County Public Schools' (MCPS) school buses with diesel particulate filters represents SHA's commitment to support projects that address past stresses to the natural and socioeconomic environments caused by past development in Montgomery County. This project is part of the MCPS Department of Transportation's commitment to reduce pollution from its school buses with the purchase of biodiesel fuel, installing equipment on older buses to reduce particulate matter pollution, and purchasing buses with the latest green technology.
5. The County Executive recommends a supplemental appropriation to the FY10 Operating Budget of \$1,000,000 and has specified that the source of funds will be a state grant.
6. Notice of a public hearing was given, and a public hearing was held.

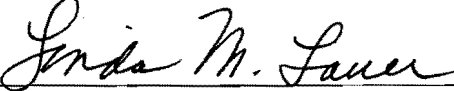
**Action**

The County Council for Montgomery County, Maryland, approves the following action:

A supplemental appropriation to the FY10 Operating Budget of the Montgomery County Public Schools is approved as follows:

| <u>Category</u>           | <u>Amount</u>       | <u>Funding Source</u> |
|---------------------------|---------------------|-----------------------|
| 09 Student Transportation | <u>\$ 1,000,000</u> | State Grant           |
| Total                     | \$ 1,000,000        |                       |

This is a correct copy of Council action.

  
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Linda M. Lauer, Clerk of the Council